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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,634	03/02/2004	Yasunori Azuma	450100-04961	3082

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FROMMER LAWRENCE & HAUG LLP  
745 Fifth Avenue  
New York, NY 10151

EXAMINER
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SAVLA, ARPAN P

ART UNIT	PAPER NUMBER
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2185

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08/01/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/791,634	<b>Applicant(s)</b> AZUMA, YASUNORI	
	<b>Examiner</b> Arpan P. Savla	<b>Art Unit</b> 2185	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Response to Amendment**

This Office action is in response to Applicant's communication filed May 2, 2008 in response to the Office action dated February 6, 2008. Claims 1 and 5 have been amended. Claims 1-3 and 5-7 are pending in this application.

## **REJECTIONS BASED ON PRIOR ART**

### **Claim Rejections - 35 USC § 103**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-3 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman et al. (U.S. Patent 6,757,694) (hereinafter "Goodman") in view of Allen et al. (U.S. Patent Application Publication 2002/0161852) (hereinafter "Allen") and in further view of Golasky et al. (U.S. Patent 6,880,101) (hereinafter "Golasky").**

3. **As per claim 1**, Goodman discloses a tape library apparatus (col. 2, lines 5-7; Fig. 1) to which a node ID is assigned (col. 2, lines 46-48; Figs. 1 and 5, element 47) and that is connected to a host computer (col. 2, line 33; Fig. 3, element 28), comprising:

a plurality of drives for recording and reproducing data to and from respective large capacity tape recording mediums, the drives having respective interfaces being capable of transferring large capacity data to the host computer (col. 2, lines 7-10, 25-28, and 32-35; Fig. 1, elements 12 and 14; Fig. 3, elements 28 and 29). *It should be noted that "reading/read from" is analogous to "reproducing", "data storage media" is analogous "tape recording mediums", and "host system" is analogous to "host computer."*

wherein selected drives are assigned respective port IDs that represent mounted order numbers as second addresses (col. 3, lines 43-44; col. 4, lines 38-39) and the interfaces are activated (col. 2, 25-28 and 32-35; Fig. 3, element 29), the second address being used to determine whether a mounted drive is moved to a different port ((col. 3, lines 43-44; col. 4, lines 38-39). *It should be noted that "drive position" is analogous to "mounted order number." It should also be noted that it is inherently required the interface be activated in order for the host system to read and write data to and from the tape drives. Lastly, it should be noted that "determine whether a mounted drive is moved to a different port" is merely an intended use of the "second address."*

wherein the serial number identifiers and base WWN are stored in a nonvolatile memory disposed in corresponding drives (col. 2, lines 62-64; col. 4, lines 53-55).

Goodman does not expressly disclose selected drives are assigned respective node IDs as first addresses;

and wherein an address previously assigned to a particular drive upon production is used when (i) the particular drive is not assigned the first address and the second

address and (ii) a command causing the particular drive to be assigned the first address and the second address is not received from the host computer.

Allen discloses selected drives are assigned respective node IDs as first addresses and respective port IDs as second addresses, the first address being used to determine whether a drive is new (paragraph 0047, lines 7-8; Fig. 2, elements 255, 260, and 265). *It should be noted that "node\_name" is analogous to "node ID" and "port\_name" is analogous to "port ID." It should also be noted that "determine whether a drive is new" is merely an intended use of the "first address."*

Goodman and Allen are analogous art because they are from the same field of endeavor, that being Fibre Channel systems.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement Allen's World Wide Name (WWN), which contains both a node ID and port ID, within Goodman's WWN, which is dependent on drive position, so as to store Allen's WWN in Goodman's nonvolatile memory such that the nonvolatile memory is located on the drives themselves.

The motivation for doing so would have been to gain the benefit of uniquely identifying and tracking devices connected to a Fibre Channel network through a SCSI bridge (Allen, paragraph 0027). Additionally, the motivation for disposing the nonvolatile memory on the drives themselves would have been to provide the drives with faster access times to the WWNs during operation.

The combination of Goodman/Allen does not expressly disclose wherein an address previously assigned to a particular drive upon production is used when (i) the

particular drive is not assigned the first address and the second address and (ii) a command causing the particular drive to be assigned the first address and the second address is not received from the host computer.

Golasky discloses an address previously assigned to a particular drive upon production is used when (i) the particular drive is not assigned the first address and the second address and (ii) a command causing the particular drive to be assigned the first address and the second address is not received from the host computer (col. 5, lines 28-33). *It should be noted that "WWN" is analogous to "address that has been assigned to the drive upon production."*

The combination of Goodman/Allen and Golasky are analogous art because they are from the same field of endeavor, that being Fibre Channel systems.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement Golasky's WWN within Goodman/Allen's Fibre Channel system.

The motivation for doing so would have been to assign Fibre Channel devices with unique global IDs that identify the device's vendor and serial number, thus providing SAN management which includes compartmentalization, authorization, and securitization.

4. **As per claim 2**, the combination of Goodman/Allen/Golasky discloses when a new drive is mounted on the tape drive apparatus, the newly mounted drive is assigned the first address and the second address in accordance with a command received from the host computer (Goodman, col. 4, lines 39-42; col. 2, lines 28-32). *It should be noted*

*that WWN assigned to the new drive is taken to be the combination of Goodman's WWN and Allen's WWN as established in the 35 USC 103 rejection of claim 1 above.*

5. **As per claim 3**, the combination of Goodman/Allen/Golasky discloses when the mounted position of each of the selected drives is changed, the moved drive is assigned the first address and the second address in accordance with a command received from the host computer (Goodman, col. 4, line 60 – col. 5, line 6; col. 2, lines 28-32). *It should be noted that when a drive is moved its position in the library will change. However, since the WWN is based in part on drive position, the moved drive will be assigned a new WWN.*

6. **As per claim 5**, Goodman discloses a method of controlling a tape library apparatus to which a node ID is assigned (col. 2, lines 46-48; Figs. 1 and 5, element 47) and that is connected to a host computer (col. 2, line 33; Fig. 3, element 28), comprising the steps of:

assigning respective port IDs that represent mounted order numbers as second addresses to a plurality of selected drives (col. 3, lines 43-44; col. 4, lines 38-39) for recording and reproducing data to and from respective large capacity tape recording mediums (col. 2, lines 7-10, 25-28, and 32-35; Fig. 1, elements 12 and 14; Fig. 3, elements 28 and 29), the selected drives having respective interfaces being capable of transferring large capacity data to the host computer (col. 2, 25-28; Fig. 3, element 29),

storing the serial number identifiers and base WWN are stored in a nonvolatile memory disposed in corresponding drives (col. 2, lines 62-64; col. 4, lines 53-55).

determining whether a mounted drive is moved to a different port based on the second address (col. 3, lines 43-44; col. 4, lines 38-39). *It should be noted that “determining whether a mounted drive is moved to a different port” is merely an intended use of the “second address.”*

activating the interfaces (col. 2, 25-28 and 32-35; Fig. 3, element 29). *Please see citation notes for claim 1 above.*

Goodman does not expressly disclose assigning respective node IDs as first addresses to a plurality of selected drives;

and using an address previously assigned to a particular drive up production when the particular drive is not assigned the first address and the second address and a command causing the particular drive to be assigned the first address and the second address is not received from the host computer.

Allen discloses assigning respective node IDs as first addresses and respective port IDs as second addresses to a plurality of selected drives (paragraph 0047, lines 7-8; Fig. 2, elements 255, 260, and 265). *Please see the citation notes for claim 1 above.*

determining whether a drive is new based on the first address (paragraph 0047, lines 7-8; Fig. 2, elements 255, 260, and 265). *It should also be noted that “determining whether a drive is new” is merely an intended use of the “first address.”*

At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement Allen’s World Wide Name (WWN), which contains both a node ID and port ID, within Goodman’s WWN, which is dependent on drive position, so



as to store Allen's WWN in Goodman's nonvolatile memory such that the nonvolatile memory is located on the drives themselves.

The motivation for doing so would have been to gain the benefit of uniquely identifying and tracking devices connected to a Fibre Channel network through a SCSI bridge (Allen, paragraph 0027). Additionally, the motivation for disposing the nonvolatile memory on the drives themselves would have been to provide the drives with faster access times to the WWNs during operation.

The combination of Goodman/Allen does not expressly using an address previously assigned to a particular drive up production when the particular drive is not assigned the first address and the second address and a command causing the particular drive to be assigned the first address and the second address is not received from the host computer.

Golasky discloses using an address previously assigned to a particular drive up production when the particular drive is not assigned the first address and the second address and a command causing the particular drive to be assigned the first address and the second address is not received from the host computer (col. 5, lines 28-33).

*Please see the citation note for claim 1 above.*

The combination of Goodman/Allen and Golasky are analogous art because they are from the same field of endeavor, that being Fibre Channel systems.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement Golasky's WWN within Goodman/Allen's Fibre Channel system.

The motivation for doing so would have been to assign Fibre Channel devices with unique global IDs that identify the device's vendor and serial number, thus providing SAN management which includes compartmentalization, authorization, and securitization.

7. **As per claim 6**, the combination of Goodman/Allen/Golasky discloses when a new drive is mounted on the tape drive apparatus, assigning the newly mounted drive the first address and the second address in accordance with a command received from the host computer (Goodman, col. 4, lines 39-42; col. 2, lines 28-32). *Please see the citation note for claim 2 above.*

8. **As per claim 7**, the combination of Goodman/Allen/Golasky discloses when the mounted position of each of the selected drives is changed, assigning the moved drive the first address and the second address in accordance with a command received from the host computer (Goodman, col. 4, line 60 – col. 5, line 6; col. 2, lines 28-32). *Please see the citation note for claim 3 above.*

### **Response to Arguments**

9. Applicant's arguments filed May 2, 2008 with respect to **claims 1-3 and 5-7** have been fully considered but they are not persuasive.

10. With respect to Applicant's argument regarding the newly added limitations on pages 8-9 of the communication filed May 2, 2008, the Examiner respectfully disagrees. As detailed in the rejection above, "determining whether a drive is new" and "determining whether a mounted drive is moved to a different port" are merely intended

uses of the “first address” and “second address” respectively. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Allen’s “node\_name” is at least capable of determining whether a drive is new because the node\_name is a unique identifier for the drive, therefore, if a new drive were added to the system the controlling means (i.e. processor, CPU, controller, etc.) would not recognize the drive’s node\_name (because it is unique to the drive) and therefore determine that the drive is new. Goodman’s “WWN” is at least capable of determining whether a mounted drive is moved to a different port because the WWN is based on the drive’s position within the system, therefore, if the drive were moved to a different port within the system, then the drive’s WWN would change. Thus, this new WWN would represent the fact that the drive has moved to a different port within the system. Accordingly, it follows that the combination of Goodman, Allen, and Golasky meet all the limitations of claim 1.

11. With respect to Applicant’s argument regarding the nonvolatile memory disposed in corresponding drives on page 9 of the communication filed May 2, 2008, the Examiner respectfully disagrees. When combining Goodman and Allen, in manner set forth by the Examiner in the rejection above, Allen’s World Wide Name (WWN), which contains both a node ID and port ID, is implemented within Goodman’s WWN, which is dependent on drive position, so as to store Allen’s WWN in Goodman’s nonvolatile memory such that the nonvolatile memory is located on the drives themselves. At the

time of the invention it would have been obvious to a person of ordinary skill in the art to locate the nonvolatile memory on the drives themselves, the motivation would have been to provide the drives with faster access times to the WWNs during operation.

Accordingly, the combination of Goodman, Allen, and Golasky renders claim 1 obvious.

12. With respect to claim 5, for reasons similar to those described above with regard to independent claim 1, the combination of Goodman, Allen, and Golasky renders claim 5 obvious.

13. As for Applicant's arguments with respect to the dependent claims, the arguments rely on the allegation that the independent claims are allowable and therefore for the same reasons the dependent claims are allowable. However, as addressed above, the independent claims are not allowable, thus, Applicant's arguments with respect to the dependent claims are not persuasive.

### **Conclusion**

### **STATUS OF CLAIMS IN THE APPLICATION**

The following is a summary of the treatment and status of all claims in the application as recommended by MPEP 707.70(i):

### **CLAIMS REJECTED IN THE APPLICATION**

Per the instant office action, **claims 1-3 and 5-7** have received a second action on the merits and are subject of a second action final.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arpan P. Savla whose telephone number is (571)272-1077. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sanjiv Shah can be reached on (571) 272-4098. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2185

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Arpan Savla/  
Examiner, Art Unit 2185  
July 30, 2008

/Sanjiv Shah/  
Supervisory Patent Examiner, Art Unit 2185